

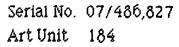
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SHERE'S RESPECT LEAVED 1 3 CT 1 LEAD TO BE NOW TO BE NOW THE TOTAL OF THE SHEET OF		ATTOMNEY CHOKET NO.
07/486,827 03/01/90 SUDOH	Т	15870150X
		EXAMINGR
	ZISKA, S	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT	ART UNIT	PAPER NUMBER
1755 JEFF.DAVS HWY, 4TH FL.	184	6
ARLINGTON, VA 22202	DATE MAILED:	•
This is a construmication from the examiner in charge of your application	DATE REPLECT	11/19/90
COMMISSIONER OF PATENTS AND I FINDEMARKS		
_		_
This application has been examined Responsive to communication filed on	- (4)	This action is made final.
A shortened statutory period for response to this action is set to expiremonth(s Failure to respond within the period for response will cause the application to become abanc		the date of this letter.
Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:	55,155, 55 5.5.5. 155	
	otice re Patent Drawing, P otice of Informal Patent A	PTO-948. oplication, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474.	·	· · · · · · · · · · · · · · · · · · ·
Part II SUMMARY OF ACTION		
1. [X] Claims 1-9		are pending in the application.
-	•	
Of the above, daims	an	e withdrawn from consideration.
2 Claims		have been cancelled.
3. Claims		_ are allowed.
4. Claims		_ are rejected.
5. Claims		_ are objected to.
6. [X] Claims /~ 9	Are subject to restriction	on or election requirement.
7. This application has been filed with informal drawings under 37 C F R 1.85 which	•	•
	n are acceptable for exam	nination purposes.
8. Light Formal drawings are required in response to this Office action.		
9. The corrected or substitute drawings have been received on are acceptable; not acceptable (see explanation or Notice re Patent Dra-		r 37 C.F.R. 1.84 these drawings
10. The proposed additional or substitute sheet(s) of drawings, filed on		□ consequed by the
examiner; disapproved by the examiner (see explanation).	nas (nave) been	C) approved by the
11. The proposed drawing correction, filed, has been _ a	pproved; disapproved	(see explanation).
12. Acknowledgement is made of the claim for priority under U.S.C. 119. The certifie been filed in parent application, serial no; filed on;	ed copy has Deen rece	eived not been received
13. Since this application apppears to be in condition for allowance except for formal		
accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213	matters, prosecution as to 3.	the merits is closed in

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EXAMINER'S ACTION



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Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-7, drawn to a DNA fragment, classified in Class 536, subclass 27, for example.
- 5 II. Claims 8 and 9, drawn to a peptide, classified in Class 530, subclass 300 for example.

The inventions are distinct, each from the other because of the following reasons:

The DNA fragment of Group I and the peptide of Group II are mutually exclusive inventions.

Because these inventions are distinct for the reasons given above and have acquired a separate s tatus in the art as shown by their different classification, recognized divergent subject matter and separate search requirements, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Tillman on October 26, 1990, to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

Serial No. 07/486,827 Art Unit 184

An inquiry concerning this communication should be directed to Examiner Suzanne Ziska, Ph.D., at telephone number 703-308-4008.

SEZ_ 11/7/190

Elizabeth C relaiman

ELIZABETH C. WEIMAR
SUPERVISORY PATENT EXAMINER
GROUP ART UNIT > 18 4